

SAQ 140 (Rev. 8/01) Summons in a Civil Action  
**JUDGE DANIELS**

**UNITED STATES DISTRICT COURT**

Southern

District of

New York

PYO Originals, LLC and Dawn Bennett,

V.

Paul Yaffe Design Inc. and Paul Yaffe

**SUMMONS IN A CIVIL ACTION**

CASE NUMBER:

**07 CIV 8583**

TO: (Name and address of Defendant)

Paul Yaffe  
2211 East Indian School Road, Phoenix, AZ 85016

Paul Yaffe Design Inc.  
2211 East Indian School Road, Phoenix, AZ 85016

**YOU ARE HEREBY SUMMONED** and required to serve on PLAINTIFF'S ATTORNEY (name and address)

David G. Ebert  
Ingram Yuzek Gainen Carroll & Bertolotti, LLP  
250 Park Avenue, 6th Floor  
New York, NY 10177

Jonathan D. Reichman  
Kenyon & Kenyon  
One Broadway  
New York, NY 10004

an answer to the complaint which is served on you with this summons, within 20 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

**J. MICHAEL McMAHON**

OCT 03 2007

CLERK

DATE

(By) *Satecia Curtis*  
DEPUTY CLERK

Office No.

Index No. 07CV8583

U.S. DISTRICT COURT, SOUTHERN DISTRICT OF NY  
PYO ORIGINALS, LLC AND DAWN BENNETT

-against-

PAUL YAFFE DESIGN INC. AND PAUL YAFFE

**AFFIDAVIT OF SERVICE**

STATE OF ARIZONA )  
COUNTY OF MARICOPA )

**Substituted  
Service**

**CRAIG LOWE**, being duly sworn, deposes and says:

I am over the age of 18 years, am not party to this action, and reside in the State of AZ.

That on 10/11/2007, at 5:00pm, at 2211 East Indian School Road Phoenix, AZ 85016

I served the **Summons and Complaint**

Upon **PAUL YAFFE**, by delivering a true copy bearing Index # 07CV8583

to a person of suitable age and discretion,

to wit: **Ed Goettel, co-worker**,

who verified that the intended recipient actually resides/is employed at this location.

Deponent describes the person so served to the best of deponent's ability at the time and circumstances of service as follows:

**Sex: Male; Color: White; Hair: Black/Grey; Approx. Age: 40; Approx. Height: 5'10";**  
**Approx. Weight: 180; Other:**

That on 10/12/2007, your deponent mailed another true copy of same by first class mail properly enclosed and sealed in a postpaid wrapper addressed to the recipient at

**2211 East Indian School Road Phoenix, AZ 85016**

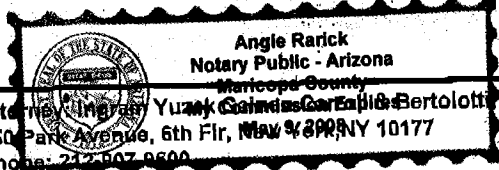
in an envelope bearing the legend "Personal and Confidential" and not indicating on the outside thereof, by return address or otherwise, that the communication is from an attorney or concerns an action against the recipient. Said envelope was deposited in an official depository under exclusive care and custody of the U.S. Postal Service in the State of New York.

That at the time of service as aforesaid, I asked person so served or person spoken to whether the intended recipient was in the military service of State of AZ or the United States and received a negative reply. Upon information and belief based upon the conversation and observation as aforesaid, I aver that the intended recipient is not in the military service of the State of AZ or the United States as that term is defined in the statutes of the State of AZ of Federal Soldiers and Sailors Civil Relief Act.

Sworn to before me on 10/23/2007:

  
Notary Public,

  
CRAIG LOWE

  
Angle Rarick  
Notary Public - Arizona  
Maricopa County  
Attorney: Yuzak, Gaidoss, Bertolotti LLP  
250 Park Avenue, 6th Fl, New York, NY 10177  
Phone: 212-907-8500

SERVICE AGENT: National Process Service  
20 Vesey Street, New York, NY 10007-2953  
Phone (212) 349-3776 (106290)

9416

**AFFIDAVIT OF SERVICE**

STATE OF NEW YORK     )  
                                      ) .ss:  
COUNTY OF NEW YORK    )

**ERIC RIVERA**, being duly sworn, deposes and says:

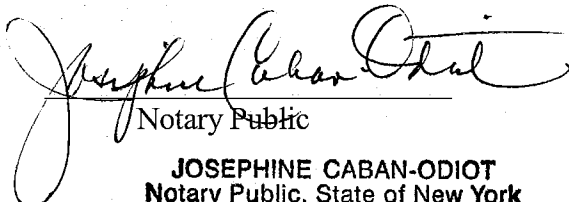
That deponent is in the employ of Ingram Yuzek Gainen Carroll & Bertolotti, LLP, attorneys for Plaintiffs herein, is over 18 years of age and resides in Queens, New York. On the 12<sup>th</sup> day of October, 2007 deponent served a copy of the within **Summons, Complaint, Rule 7.1 Disclosure Statement, Individual Judge's Rules for Judge George B. Daniels, Individual Judge's Rules for Magistrate Judge Debra C. Freeman, USDC/SDNY Instructions for Filing an Electronic Case or Appeal, USDC/SDNY Procedures for Electronic Case Filing, USDC/SDNY Guidelines for Electronic Case Filing and Initial Pretrial Conference Order** upon the following at the following address:

**Paul Yaffe**  
**2211 East Indian School Road**  
**Phoenix, AZ 85016**

by depositing a true and correct copy of the same properly enclosed in a postpaid wrapper, in the official depository maintained and exclusively controlled by the United States.

  
**ERIC RIVERA**

Sworn to before me this  
12<sup>th</sup> day of October, 2007.

  
Notary Public  
**JOSEPHINE CABAN-ODIOT**  
Notary Public, State of New York  
No. 01CA4705166  
Qualified in Westchester County  
Commission Expires Dec. 31, 2009